

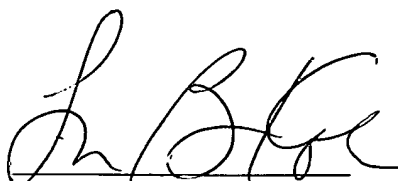
REMARKS

Claims 1-11 are currently pending. Claims 12-40 are cancelled pursuant to a restriction requirement, and without prejudice to prosecuting their subject matter in other patent applications. The claims are amended to more clearly state the subject matter of the invention. The specification is amended to correct a translation error at in paragraph 3, page 2 of the specification; the error corrects an obvious translation error (considering the meaning of the sentence, where *lack* of toxicity would make it *possible* to express the Cry protein in a plant), supported by the original French text (“Cette absence de toxicité vis à vis des mammifères a permit le développement de la culture de plantes transgéniques exprimant une protéine Cry,” which states that the lack of toxicity in mammals permits, or makes *possible*, the development of cultures of transgenic plants expressing a Cry protein), and does not constitute new matter.

The Examiner has noted that Applicants, in their previous reply to a restriction requirement, failed to make a required species election. Applicants apologize for this inadvertent error, and now elect, without prejudice, a species which is a modified Cry protein having SEQ ID NO:2, wherein the arginine at position 164 is substituted with either leucine, phenylalanine, or glutamic acid.

Please charge any additional fee which may be due to Deposit Account No. 02-4377. A duplicate of this sheet is enclosed.

Respectfully submitted,



Lisa B. Kole
PTO Reg. No. 35,225
(212) 408-2628
Attorney for Applicant